

E-FILED on 3/19/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES WILSON CALLOWAY,
Petitioner,
v.
RONALD M. WHITE, Warden,
Respondent.


No. C-02-05882 RMW

ORDER RE: PETITIONER'S MOTION TO
REVIEW

[Re Docket Nos. 20]

Petitioner James Wilson Calloway, who is represented by counsel, submitted a "Motion for Review" with regard to his habeas petition. Calloway, proceeding *pro se* for purposes of filing this motion because his attorney has not returned his calls, asks the court to consider the recent Supreme Court decision *Cunningham v. California*, 549 U.S. ___, 127 S.Ct. 856 (2007). The court will consider this case when it issues its ruling on plaintiff's habeas petition.

DATED: 3/19/08


RONALD M. WHYTE
United States District Judge

1 A copy of this order was mailed on 3/19/08 to:

2 **Counsel for Petitioner:**

3 Mark Shenfield
4 First District Appellate Project
5 730 Harrison Street, Suite 201
6 San Francisco, CA 94107

7 James W. Calloway
8 TO9230
9 CTFN-RB-119
10 P.O. Box 705
11 Soledad, CA 93960-0705

12 **Notice of this document has been electronically sent to:**

13 **Counsel for Respondent:**

14 Ann P Wathen ann.wathen@doj.ca.gov
15 Peggy S. Ruffra peggy.ruffra@doj.ca.gov

16 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.
17
18
19
20
21
22
23
24
25
26
27
28